Supreme Court, U. S.
FILED
JUN 11 1977
MICHAEL RODAK, JR., CLERK

APPENDIX

IN THE

Supreme Court of the United States

October Term, 1976
No. 76-839

EDMUND FOLEY, individually and on behalf of all other persons similarly situated,

Appellant,

against

WILLIAM G. CONNELIE, individually and in his capacity as Superintendent of the New York State Police, and S. A. SMITH, individually and in his capacity as Director of Personnel of New York State Police,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

JURISDICTIONAL STATEMENT FILED
DECEMBER 20, 1976
PROBABLE JURISDICTION NOTED
MARCH 28, 1977

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1977

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CONTENTS OF APPENDIX

	Page
Docket Entries	D-1

	Page
Amended Complaint	D-5
Answer	D-16
Order of December 30, 1975	D-21
Affidavit of William G. Connelie	D-23

In addition, the following items are included in the Appendix to the Jurisdictional Statement filed December 20, 1977, and incorporated by reference herein:

Opinion of the District Court	A-1
Order and Judgment of District Court	B-1
Notice of Appeal to the Supreme Court of the United States	B-4

APPENDIX

DOCKET ENTRIES

DATE	PROCEEDINGS
9/17/75	(1) Filed complaint and issued summons.
9/17/75	(2) Filed ORDER that James F. Browne is appointed to service the summons and complaint, etc. Clerk m/n.
9/19/75	(3) Filed ORDER, plaintiff permitted to take competitive exam for State Trooper scheduled to for 9/20/75; ordered that test results are not to be implemented and no rights therefrom shall attach in favor of plaintiff unless and until further order of Court directs, Pollack, J. (mn).
9/26/75	Filed Order to Show Cause re: 3-Judge Court, temporary restraining order, etc. Ret. 9/30/75 Room 1506, 2:00 p.m. Pollack, J. Dated 9/18/75(returned to M.P.).
9/09/76	Filed Stipulation and Order extending Defendants' time to answer complaint for 30 days from date of this stipulation; within 30 day period parties shall agree upon or Court shall permit Defendants may move for dismis-

DATE	PROCEEDINGS
	sal, etc. Pollack, J.
12/05/75	Filed Plaintiff's Amended Complaint.
12/15/75	Filed ANSWER of Defendants.
12/19/75	Pre-trial before Pollack, J.
12/30/75	Filed Designation of Judges. Beside Judge Pollack, Mansfield, & Werker. Order be filed. Kaufman, Ch. Judge, USCA.
12/30/75	Filed Stipulation and Order that action to proceed as class action. Plaintiff is representative of class consisting of all permanent resident aliens, etc. Pollack, J.
12/30/75	Filed ORDER. Plaintiff is representative of class. Matter be determined by 3-judge court. Pollack, J. (mn).
12/29/75	Filed Stipulation and Order that ¶¶4 and 5 of Stipulation signed 9/26/75 are continued as far as said paragraphs indicated. Pollack, J. (mn).
1/16/76	Pre-trial before Pollack, J.
2/04/76	Filed Memorandum in support of Plaintiff's motion for summary judgment.
3/30/76	Filed Affidavit by William G. Connelie for Defendants in support of constitutionality of portion of New York Executive

DATE	PROCEEDINGS
	Law which requires all members of New York State Police to be citizens of U.S.
3/31/76	Filed Defendants' Memorandum of Law in support of constitutionality of requirement of New York Executive Law that Members [sic] of United States.
4/15/76	Before Werker-on 3 Judge Court-Mansfield, Pollack & Werker.
4/15/76	Hearing begun and concluded-motion for preliminary and permanent injunction. Judge's decision reserved.
4/29/76	Filed Plaintiff's reply memorandum of law.
7/07/76	Filed Plaintiff's memorandum in support of motion for temporary restraining order.
7/09/76	Filed OPINION #44725, Mansfield(mn) Filed OPINION #44725. We uphold constitutionality of Sec. 215(3) New York Executive Law and grant summary judgment to the Defendants. SUBMIT ORDER. Pollack, J. & Henry F. Werker, J. (mn).
9/01/76	Filed Order and Judgment. Ordered that temporary restraining order signed on 9/19/75 and stipulated and so ordered on 12/22/75 restraining defendants William Connelie and S.A. Smith from refusing to accept Plaintiff's application for employment, etc. (b) refusing to assess Plaintiff's for employment as if he

DATE	PROCEEDINGS
	were a citizen of U.S. is continued in effect pending outcome of appeal to U.S. Supreme Court. (c) Plaintiff will expeditiously appeal to U.S. Supreme Court. Pollack, J. JUDGMENT ENTERED. Clerk (mn). Entered 9/2/76 (certified copy of above mailed to Clerk, U.S. Supreme Court - 9/2/76).
10/22/76	Filed Plaintiff's Notice of Appeal to Supreme Court of U.S. from final order granting Defendant's motion for summary judgment entered. 09/01/76. (Mailed copy to Louis J. Lefkowitz, Attorney General of the State of New York on 10/26/76)
4/05/77	Filed true copy of Supreme Court of U.S. that appeal from U.S. District Court, S.D.N.Y. case have been submitted and considered by Court, probable jurisdiction. Clerk.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDMUND FOLEY, individually and on behalf of all other persons similarly situated, Plaintiffs, -against- WILLIAM G. CONNELIE, individually and in his capacity as Superintendent of the New York State Police, and S.A. SMITH, individually and in his/her capacity as Director of Personnel of the New York State Police, Defendants.	AMENDED COMPLAINT - CLASS ACTION 75 Civ. 4548 (M.P.)

I. PRELIMINARY STATEMENT

This is an action to permit a person, otherwise qualified, to compete for a position with the New York State Police without his being discriminated against because he is not a citizen of the United States.

II. JURISDICTION

1. The named plaintiff is a resident of the State of New York, County of Bronx, and of

the United States.

2. This court has jurisdiction of this action under 28 U.S.C. §1343(3). Defendants, acting under color of state law, have denied plaintiffs a right secured to them by the Fourteenth Amendment to the Constitution of the United States.

3. Declaratory and injunctive relief are authorized by 28 U.S.C. §§2201 and 2202 and by Rules 57 and 65 of the Federal Rules of Civil Procedure.

III. THREE-JUDGE COURT

4. This is a proper case for determination by a three-judge court pursuant to 28 U.S.C. §§2281 and 2284 since plaintiffs seek an injunction to restrain defendants, who are state officers, from the enforcement, operation and execution of a state statute (New York Executive Law §215(3)) of statewide applicability on the grounds that the citizenship requirement of said statute is contrary to the Fourteenth Amendment to the Constitution of the United

States.

IV. PLAINTIFF

5. The named plaintiff, EDMUND FOLEY, is a citizen of the Republic of Ireland, and an alien lawfully admitted for permanent residence in the United States. The named plaintiff has been a resident of the State of New York since February, 1973.

V. CLASS ACTION ALLEGATIONS

6. The named plaintiff brings this action on his own behalf and, pursuant to Rule 23(a),(b)(2) of the Federal Rules of Civil Procedure, on behalf of all other persons similarly situated.

7. Plaintiff and approximately twenty-seven other persons were recently refused permission to take the competitive examination for State Trooper on the grounds of their alienage. It is not known how many other aliens have been discouraged from applying for the position of State Trooper because of the citizenship requirements of §215(3) of the Executive Law of the State of New York.

8. The members of the class similarly situated are all alien residents of the State of New York who have applied or will apply for the position of State Trooper, and who have been or will be refused permission to take the competitive examination for, and/or the opportunity to be considered for, appointment to that position solely on the grounds of their alienage, pursuant to §215(3) of the Executive Law of the State of New York.

9. The named plaintiff is a resident alien of the State of New York who is seeking appointment as a New York State Trooper, and as such will fairly and adequately protect the interests of the class.

10. The question of law common to the members of the class is whether the Fourteenth Amendment to the Constitution of the United States prohibits a state from discriminating against resident aliens in public service employment.

11. The remaining requirements of Rule

23 are further met in that: the class is so numerous that the joinder of all members is impracticable; the claims of the representative party are typical of the claims of the class; and the party opposing the class has acted on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief with respect to the class as a whole.

VI. DEFENDANTS

12. Defendant WILLIAM G. CONNELIE is the Superintendent of the New York State Police and is responsible for its administration.

13. Defendant S. A. SMITH is the Director of Personnel of the New York State Police and is responsible for the administration and implementation of personnel policies.

VII. STATEMENT OF THE FACTS

14. Section 215(3) of the Executive Law of the State of New York requires that all persons appointed to the New York State Police be citizens of the United States.

15. In August, 1975, the named plaintiff, a resident alien, submitted an application for employment to the New York State Police.

16. On August 20, 1975, defendant S. A. SMITH wrote to plaintiff informing him that his application for employment with the New York State Police was not being accepted because plaintiff was not a citizen of the United States. (See Exhibit A, attached hereto.)

17. As a result of defendants' actions pursuant to §215(3) of the Executive Law of the State of New York, plaintiff will not be permitted to take the competitive examination for the position of State Trooper scheduled for September 30, 1975.

18. The competitive examination for the position of State Trooper is only held every two or three years.

19. As a result of defendants' actions in refusing to permit plaintiff to take the competitive examination scheduled for September 30, 1975, plaintiff will suffer grave and irreparable harm in that plaintiff will have no other

opportunity to take such examination and qualify for appointment to the New York State Police because, by the time plaintiff becomes a citizen, he is likely to be too old to meet the age requirements of the New York State Police.

20. As a result of defendants' actions in not permitting plaintiff to take the competitive examination scheduled for September 20, 1975, plaintiff will suffer grave and irreparable harm with respect to employment opportunity, hiring priority, and job seniority.

21. As a result of defendants' actions in not accepting plaintiff's application for employment, plaintiff is suffering and will continue to suffer grave and irreparable harm, in that he is being arbitrarily and capriciously discriminated against solely because of his alienage.

VIII. CLAIM FOR RELIEF

22. By arbitrarily and capriciously discriminating on the basis of alienage, §215(3) of the Executive Law of the State of New York

denies plaintiffs the equal protection of the laws guaranteed them by the Fourteenth Amendment to the Constitution of the United States.

IX. PRAYER FOR RELIEF

WHEREFORE, plaintiffs respectfully pray that this court:

1. assume jurisdiction of this cause, convene a three-judge court pursuant to 28 U.S.C. §§2281 and 2284 to determine this controversy, and set this case down promptly for a hearing;

2. alternatively, assume jurisdiction of this cause and set it down promptly for a hearing, without convening a three-judge court, on the grounds that the statute in question is in clear and obvious conflict with the Constitution of the United States;

3. determine by order pursuant to Rule 23(c)(1) of the Federal Rules of Civil Procedure, that this action be maintained as a class action;

4. enter a final judgment pursuant to 28 U.S.C. §§2201 and 2202 and Rules 54, 57 and

58 of the Federal Rules of Civil Procedure declaring that §215(3) of the Executive Law of the State of New York, insofar as it excludes aliens from employment with the New York State Police, is invalid on the grounds that it violates the equal protection clause of the Fourteenth Amendment to the Constitution of the United States;

5. enter preliminary and permanent injunctions, pursuant to Rule 65 of the Federal Rules of Civil Procedure, enjoining defendants, their successors in office, agents and employees, and all other persons in active concert and participation with them from continuing to discriminate against plaintiffs in their applications for employment solely on the grounds of their alienage, and further enjoining said persons to treat and judge plaintiffs' applications for employment on the same terms as all other applications filed during the same filing period, as if plaintiffs were United States citizens;

6. order the defendants, their successors in office, agents and employees, to notify

by certified, first-class mail, at their last known address, all persons whose applications for employment as a State Trooper have been refused pursuant to §215(3) of the Executive Law of the State of New York that they are now eligible to make such application and may reapply and will be given the competitive test and treated in all ways as a citizen whose application was correctly processed;

7. pursuant to Rule 54(d) of the Federal Rules of Civil Procedure, allow plaintiff his costs herein, and also grant him such additional or alternative relief as may seem to this court to be just, proper, and equitable.

Dated: NEW YORK, NEW YORK
November 27, 1975

Respectfully submitted,

JONATHAN A. WEISS, Esq.
Attorney for Plaintiff
2095 Broadway, Room 304
New York, New York 10023
(212) 595-1340

[Affidavit of Service Deleted]

NEW YORK STATE POLICE

STATE CAMPUS

Albany, New York 12226

August 20, 1975

Mr. Edmund Foley
2357 Walton Avenue
Bronx, New York 10468

Dear Applicant:

We regret to inform you that you do not meet all of the requirements for the New York State Police. The reason for your application not being acceptable is listed below:

_____Underage _____Overage

_____Unsatisfactory Driving Record

_____Unsatisfactory Court Record

__X__Not United States Citizen

_____Disqualified Physically

_____Not High School Graduate or in Possession of New York State Equivalency Diploma

Very truly yours,

/s/ S. A. Smith
Director of Personnel

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDMUND FOLEY, individually and on behalf of all other persons similarly situated, Plaintiffs, -against- WILLIAM G. CONNELIE, individually and in his capacity as Superintendent of the New York State Police, and S.A. SMITH, individually and in his/her capacity as Director of Personnel of the New York State Police, Defendants.	ANSWER 75 Civ. 4548

Defendants, answering the Amended Complaint, by their attorney, LOUIS J. LEFKOWITZ, Attorney General, respectfully allege on information and belief:

FIRST: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph "I" that but for his alienage plaintiff is qualified to compete for a position with the New York State

Police and/or to be appointed to same, and defendants deny the allegation in Paragraph "I" that the exclusion of aliens from competition for appointment to the New York State Police or any limitations thereon constitute discrimination.

SECOND: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph "II".

THIRD: Deny each and every allegation in Paragraph "II,2" and "II,3" except admit that this Court has jurisdiction over the action under 28 U.S.C. §1343(3).

FOURTH: Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraphs "IV" and "V".

FIFTH: Deny each and every allegation in Paragraphs "VII,17,18,19,20,21" and "VIII".

FURTHER ANSWERING THE AMENDED COMPLAINT AND AS AND FOR A

COMPLETE DEFENSE:

SIXTH: New York Executive Law §215(3) is constitutional under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

WHEREFORE, defendants pray for judgment declaring New York Executive Law §215(3) constitutional under the Equal Protection Clause to the Fourteenth Amendment to the United States Constitution and for such other relief as to the Court shall seem proper in the premises.

LOUIS J. LEFKOWITZ
Attorney General of the
State of New York
By:

/s/ JUDITH A. GORDON
Assistant Attorney General
Attorney for Defendants
Office and P.O. Address
Two World Trade Center
New York, New York 10047

VERIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

JUDITH A. GORDON, being duly sworn, deposes and says that she is an Assistant Attorney General and is authorized to make this verification; that she has read the foregoing Answer and knows the contents to be true except as to matters therein alleged upon information and belief and, as to those matters, she believes them to be true; that the source of her information and the basis for her belief are the books and records of the New York State Police and conversations with the officers and employees thereof; and that the reason this verification is not made by a party is that defendants are public officers and employees without personal knowledge of the facts.

/s/ JUDITH A. GORDON

Sworn to before me this
15th day of December, 1975

/s/ MARIA L. MARCUS
Assistant Attorney General
of the State of New York

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDMUND FOLEY, individually and on behalf of all other persons similarly situated, Plaintiffs, -against- WILLIAM G. CONNELIE, individually and in his capacity as Superintendent of the New York State Police, and S.A. SMITH, individually and in his/her capacity as Director of Personnel of the New York State Police, Defendants.	:	ORDER 75 CIV 4548 (M.P.)

Plaintiff having moved this Court for a determination that this action proceed as a class action and for the convocation of a three-judge court, upon a finding by this Court that: (1) the requirements of Rule 23(a),(b)(2), Federal Rules of Civil Procedure, have been met, and (2) that a three-judge court is required by 28 U.S.C. §2281, and upon consent of the parties, it is hereby

ORDERED that plaintiff Edmund Foley is the representative of a class consisting of all permanent resident aliens who, but for the enforcement of New York Executive Law §215(3), would otherwise be eligible to compete for employment in the competitive class for State Trooper; and it is further

ORDERED that this matter be determined by a three-judge court pursuant to 28 U.S.C. §2284.

DATED: New York, New York
December 30, 1975

/s/ MILTON POLLACK
U.S.D.J.

..[Attorney's Affidavit Deleted]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EDMUND FOLEY, individually and on behalf of all other persons similarly situated,

Plaintiffs,

-against-

WILLIAM G. CONNELIE, individually and in his capacity as Superintendent of the New York State Police, and S.A. SMITH, individually and in his/her capacity as Director of Personnel of the New York State Police,

Defendants.

AFFIDAVIT

75 Civ. 4548

STATE OF NEW YORK)
COUNTY OF ALBANY) ss.:

WILLIAM G. CONNELIE, being duly sworn, deposes and says:

1. I am the Superintendent of the New York State Police, a defendant in the within action both in my official and individual capacities. This Affidavit is submitted in support of the constitutionality of that portion of New York Executive Law, Section 215 (3), which requires that all members of the New York State

Police be citizens of the United States.

2. I have been Superintendent since June 25, 1975. Prior to assuming my present position, I served as a member of the New York City Police Department for 29 years. I served with the New York City Police Department as a patrolman, detective, sergeant of detectives, lieutenant of detectives, captain, deputy inspector, inspector, deputy chief inspector and assistant chief inspector, the position I held when I retired from the force.

3. As Superintendent I command all members of the New York State Police force. The force functions as a para-military organization. The Governor is the Commander-in-Chief of the State Police, and I report directly to him as his immediate subordinate officer. I am also a member of the Governor's Cabinet. As of this date, the State Police force has 3,316 members.

4. The State Police has the obligation throughout the State of New York to prevent and detect crime and apprehend criminals. Members of the force have the power to arrest, without

a warrant, any person committing or attempting to commit a crime within their presence, to execute search warrants and to exercise all other powers of police officers of the State of New York. The State Police is the only police force in New York with statewide jurisdiction, which it exercises concurrently with local police forces in our cities, including the City of New York.

5. Every member of the State Police is a police officer. Every officer is on call 24 hours per day, in the event of emergencies, and must take proper police action in the event that he observes the commission of a crime while off duty. Every officer is issued a weapon, which he must carry while on duty and which he is permitted to carry at all times he is off duty.

6. State Police officers are the representatives of the State of New York and serve as the embodiment of the political sovereignty of the State. They execute the essential political function of enforcing the criminal laws of

the State of New York, including the Penal Law and provisions of the Criminal Procedure Law, Public Health Law, Mental Hygiene Law, and Conservation Law, among others. In the execution of this law enforcement function, State Police officers are, in effect, the analog to the legislators, who enact those laws, and the judiciary, which interprets and adjudicates those laws. In this function, the State Police is one of the fundamental binding forces of the political community of the State of New York. Since a citizen is much more likely to encounter a State Police officer than a legislator or judge, the role of the police as a symbol and representative of the sovereignty of the State of New York is as a practical matter even greater.

7. The Legislature has required, in New York Executive Law Section 215(3), that all members of the State Police be citizens of the United States. I am informed by counsel that U.S. citizenship has been a requirement for membership in the force since the creation of the

force in 1917. To my knowledge, no person not a U.S. citizen has ever served as a member of the State Police in any capacity at any time. There is no provision in the Executive Law or elsewhere for the temporary or provisional appointment of non-citizens as State Police officers, and to my knowledge no such appointment has ever occurred.

8. The State Police has uniformed officers in its Uniform Force, and plainclothes detectives in its Bureau of Criminal Investigation ("BCI"). Members of the Uniform Force provide first-line police services to the citizens of New York, including responding to citizen complaints concerning the commission of crimes, conducting investigations into the commission of crimes, searching for missing persons, providing emergency first-aid in case of accidents such as near-drownings, seeking to arbitrate domestic quarrels and boundary disputes between neighbors, relaying blood in case of emergency and many other services, in addition to patrolling the highways of New York in

order to prevent and detect crime and apprehend criminals. The State Police, in 1974, made over 50,000 arrests for felonies, misdemeanors and offenses, for crimes ranging from homicide and assault to larceny and drug violations. Most such arrests involved a discretionary judgment by the arresting officer that acts and circumstances he observed constituted the commission of a crime. The force also issued in 1974, over 514,000 summonses for vehicle and traffic violations, many of which also involved discretionary judgments by officers.

9. The duties of the BCI are to conduct investigations into crimes beyond the investigatory resources of the Uniform Force, and to conduct independent investigations in such areas as narcotics and organized crime. Some such investigations are conducted in cooperation with federal and New York City law enforcement authorities, while others are handled alone. Some of these investigations require highly dangerous undercover work, and in 1974 one undercover State Police officer died of a gunshot wound

suffered while in the line of duty during such an investigation in New York City. The BCI also investigates, upon receipt of a citizen complaint, possible criminal activity relating to State security matters such as threats upon the life of the Governor or other elected officials, activities relating to the forcible overthrow of the government of the State of New York, or the bombing or destruction of State buildings or property.

10. The State Police also has a special unit known as the Governor's Detail, which is composed of both uniform troopers and plainclothes BCI detectives. This detail performs the vital functions of providing 24-hour a day protection to the Governor of our State, wherever he may be, including when he travels abroad to foreign countries. It may also be directed to provide protection for foreign dignitaries visiting the State of New York.

11. Among the duties of all members of the State Police is to assist federal authorities in the enforcement of the federal immi-

gration laws as they relate to illegal aliens present within the State of New York. In 1974 the State Police made 200 arrests of violators of those laws. Were an alien police officer called upon to arrest violators of those laws, especially violators of the officer's nationality, I believe a conflict of interest would exist for the officer, which would be intolerable to the State Police. Such a conflict might also exist in connection with the security services the State Police will be required to provide at the 1980 Winter Olympics in Lake Placid, New York.

12. Successful law enforcement requires State Police officers to execute their duties with proper regard for the constitutional rights and liberties of those with whom they come in contact. Officers must understand and respect the constitutional rights to privacy, counsel and due process enjoyed by every person they arrest, from the arrest through the arraignment process. Search warrants must be executed with regard for the rights of the individual named in

the warrant. Officers must exercise careful restraint in utilizing the authority to "stop and frisk" individuals in public. Police officers must also, at all times, seek to protect and enforce the citizens' First Amendment rights to freedom of speech and freedom of association which are so essential to the maintenance of all democratic freedoms. Because most police work is conducted beyond direct supervision, we must rely upon each officer's faithful and undivided allegiance to the Constitution and the individual rights guaranteed by it to assure protection of those rights in the many situations when the officer must make split-second decisions affecting them.

13. In addition to their other duties, State Police officers are, on occasion, required to prosecute vehicle and traffic law violators on behalf of the State of New York in the justice courts of our State. In such cases the officer presents evidence on behalf of the State and serves as a representative of the legal authority of the State in the proceeding. In such

cases his function is basic to the political sovereignty of the State.

14. The State Police, which functions as a para-military organization, is organized on the following basis: the Uniform Force consists, in rank order, of troopers (the entry-level position), sergeants, lieutenants, captains and majors. It is commanded by the Deputy Superintendent - Field Commander, who reports directly to me. The BCI, with similar ranks, is also commanded by the same individual. There is also a Deputy Superintendent - Administration, also reporting directly to me, who directs the communications function (supervising the New York State Police Information Network, which exchanges information with the National Crime Information Center in Washington, D.C.), and the Scientific Laboratory. We have divided the State into nine geographical regions, each of which is assigned a Troop, or complement of State Police officers (both Uniform and BCI). Within each region (also known as a Troop) is a Troop Headquarters, several troop stations and a number of "satellite"

troop stations (which are manned for only a portion of each day).

15. The largest number of our officers are troopers, who are appointed on the basis of a competitive examination and the satisfaction of certain other qualifications. Promotion to sergeant (a supervisory position) is also based upon competitive examination, which is open to every trooper, and promotion from sergeant to lieutenant is also based upon competitive examination open to every sergeant. Promotions above lieutenant and all appointments to the BCI are made by me, on the basis of merit and ability.

16. On the basis of the foregoing, I respectfully request this Court to uphold the constitutionality of that portion of New York Executive Law Section 215(3) which requires members of the New York State Police to be citizens of the United States.

/s/ WILLIAM G. CONNELIE

Sworn to and subscribed
before me on this 25th
day of March, 1976

/s/ RICHARD E. ROTH (sic)
NOTARY PUBLIC